

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 DANELL PRATT,

12 Petitioner,

13 v. **14 ORDER DIRECTING PETITIONER TO
15 FILE AN AMENDED PETITION**

16 B. GOWER, Warden,

17 Respondent.

18 /

19 Petitioner, a state prisoner, has filed this petition for a writ of habeas corpus pursuant to 28
20 U.S.C. § 2254.

21 On August 15, 2013, the Court issued an Order granting Petitioner's request for a stay of
22 proceedings while he returned to state court to exhaust his state judicial remedies. The Court also
23 stated:

24 Nothing further will take place in this action until Petitioner receives a final decision
25 from the highest state court and, within **twenty-eight (28) days** of doing so, moves to
26 reopen the action, lift the Court's stay and amend the stayed petition to add the
27 newly-exhausted claims.

28 (Aug. 15, 2013 Order at 2.)

On December 11, 2013, Petitioner informed the Court that his state proceedings had
concluded; however, he did not amend the stayed petition to add the newly-exhausted claims.
Therefore, Petitioner must file an amended petition in this Court which incorporates the newly-
exhausted claims he intends to raise in federal court, as directed below.

CONCLUSION

2 1. No later than **twenty-eight (28) days** of the date of this Order, Petitioner must file an
3 amended petition in this Court which incorporates the newly-exhausted claims he intends to raise in
4 federal court. The Court will lift the stay on the date that Petitioner files his amended petition.
5 Petitioner must submit the amended petition on the attached blank habeas petition form, clearly label
6 the petition as the "Amended Petition," and write in the case number for this action on the form. He
7 should also attach to his amended petition a copy of his petition to the California Supreme Court, if
8 the document is available to him. **If Petitioner fails to file an amended petition within the**
9 **prescribed period, the Court will dismiss this action without prejudice for failure to prosecute.**

10 2. The Clerk of the Court shall send Petitioner a blank § 2254 habeas petition form.

11 || IT IS SO ORDERED.

12 || DATED: January 3, 2014

**YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE**